



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 134 – FRIDAY 25 MARCH 2011

WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS

MEMBERS PRESENT: Peter McQueen (Chairman), Richard Luxton, Michael Bowman and Lissa Herrmann

APOLOGIES: Mary Walshe and Keith Aitken

OFFICERS PRESENT: Margaret Macintyre (Secretary) and Steven Kubasiewicz (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 10.45 am

MINUTES RECORD THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 REMOVE CONDITION 4 OF DP09/0263
PA2008/0843 SECTION 3237 (115) FARRAR ROAD, HUNDRED OF BAGOT
APPLICANT PROJECT BUILDING CERTIFIERS

Ms Annette Joseland (Project Building Certifiers) attended and tabled nine photographs showing the site, the dependant unit and trucks.

RESOLVED That, pursuant to section 57(5) of the *Planning Act*, the Development Consent
29/11 Authority refuse consent to the application to delete condition 4 of DP09/0263.

REASON FOR THE DECISION

1. Clause 7.10.4 (Dependant Units) of the Northern Territory Planning Scheme (NTPS) identifies the purpose of the clause is to ensure that a dependant unit is ancillary to the single dwelling on the site. The definition of a dependant unit in the NTPS states that a dependant unit is for the purpose of accommodation for a dependant of a resident of the single dwelling. Characteristics desirably will include shared services and a shared access supporting the ancillary nature of the use. Retaining the gate on the secondary access will enable the use and occupation of the approved dependant unit as a separate dwelling not ancillary to the single dwelling.
2. The applicant has not provided any information justifying the request for the variation of the condition imposed on DP09/0263.

ACTION: Refusal of Variation to Development Permit

ITEM 2 RECONSIDERATION UNIT PLAN SUBDIVISION TO CREATE 4 UNITS
PA2010/1257 INCLUDING VACANT UNITS
SECTION 2650, BERRY SPRINGS, HUNDRED OF CAVENAGH
APPLICANT VEKTA PTY LTD

Mr Gregg Hestelow (Vekta Pty Ltd) and Mr Douglas Barden (owner) attended.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
30/11 Authority consent to the application to develop Section 2650 Berry Springs, Hundred of Cavenagh for the purpose of Unit plan subdivision to create 4 units including vacant units, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with drawing numbered 2010-1257-01 endorsed as forming part of this permit.

2. Prior to new titles being issued for the units shown on the endorsed drawings, a Scheme Statement meeting the requirements of the Unit Titles Scheme Act (as confirmed by the Land Titles Office) shall be submitted to the satisfaction of the consent authority, and endorsed as forming part of this permit.
3. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. The developer must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. The developer is required to provide documentary evidence to the satisfaction of the consent authority that existing bores RN020902 has been capped and decommissioned.
7. Prior to new titles being issued, the developer must provide a sealed driveway to each lot on common land to the satisfaction of the consent authority.

NOTE:

1. This permit will expire if one of the following circumstances applies:
 - (a) the development is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The amended proposal is consistent with the requirements of Clause 11.1.4 (Subdivision for the Purposes of a Unit Title Scheme) of the NT Planning Scheme and it is unlikely to have any detrimental environmental effect on the land or result in a loss of amenity within the locality.

2. Pursuant to section 51(j) of the Planning Act, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development.

The application has been developed to enable the current lake facilities to continue to effectively operate through shared ownership. The development is existing and the use of the site will not change.

A Scheme Statement is required to be submitted for endorsement by the DCA prior to new titles being issued in order to ensure that the scheme statement is consistent with the proposal approved.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2011/0057
APPLICANT

RURAL SERVICE CENTRE (SHOWROOM AND STORAGE SHED)
LOT 31 (1) DE CAEN CLOSE, HUNDRED OF BAGOT
JUNE D'ROZARIO & ASSOCIATES PTY LTD

Ms June D'Rozario (June D'Rozario & Associates) and Mr Leon and Mrs Melissa Merrington (owners) attended.

Ms D'Rozario tabled comments on Note: number 1 in the DAS report.

RESOLVED
31/11

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 31 (1) De Caen Close, Hundred of Bagot for the purpose of a Rural Service Centre (showroom and storage shed), subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be submitted to and approved by the consent authority on the advice of the Department of Natural Resources, Environment and the Arts (Natural Resources Management Division) and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance the drawings numbered 2011/0057/1, 2011/0057/2 and 2011/0057/3, endorsed as forming part of this permit.

3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.
5. Engineering design and specifications for the proposed and affected roads, stormwater drainage, street lighting and vehicular access are to be to the technical requirements of the Department of Lands and Planning (Road Network Division) or Litchfield Council as the case may be, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
6. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the consent authority.
7. Any proposed work impacting on the Stuart Highway road reserve shall be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Chief Executive Officer, Department of Lands and Planning. Drawings must be submitted to the Road Network, Department of Lands and Planning for approval, and no works are to commence prior to approval and receipt of a "Permit to Work within a Road Reserve".
8. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of any driveway and the public street.
9. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council, to the satisfaction of the consent authority.
10. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof of the building.
11. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

12. Dryland grassing or landscaping shall be established on the Stuart Highway Service Road verges fronting the development and shall be undertaken to the Department of Planning and Infrastructure and Litchfield Council's requirements to the satisfaction of the consent authority.
13. Where unfenced, the Stuart Highway Service Road frontage is to be appropriately fenced in accordance with the Department of Lands and Planning standards and requirements to deter unauthorised vehicular and/or pedestrian movement to the satisfaction of the consent authority.
14. Any floodlighting or security lighting provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway traffic.
15. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, electricity and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
16. Before the use/occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
17. The landscaping shown on endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
18. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
19. Protective kerbs must be provided to the satisfaction of the consent authority to prevent damage to fences or landscaped areas.

NOTES:

1. A "Permit to Work within a Road Reserve" may be required from Department of Lands and Planning before commencement of any work within the road reserve.
2. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
 - (a) so as not to create sun or headlight reflection to motorists; and
 - (b) be located entirely (including foundations and aerially) within the subject lot.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The proposal has demonstrated compliance with all relevant clauses of the NT Planning Scheme and the *Litchfield Planning Concepts and Land Use Objectives (2002)* key land use objective 'to maximise opportunities for a diversity of land uses within the shire'.

The proposed development is generally consistent with the primary purpose of Zone SL12 (Specific Use - Litchfield No 12).

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into the capability of the land to support the proposed development.

The land has been previously developed for a service centre including offices, showroom sales and a storage shed. It is considered capable of supporting the proposed development as the nature and extent of the proposed development is consistent with the land use activities for the site and immediate vicinity.

ACTION: Notice of Consent and Development Permit

RATIFIED AS AN RECORD OF ATTENDANCE AND DETERMINATIONS MADE AT THE MEETING



PETER MCQUEEN
Chairman

28/3/11

